

# Exhibit 10

## 3505-11

**RULE 26 EXPERT WITNESS REPORT AND DECLARATION OF**

**DR. JONATHAN P. WINICKOFF, MD, MPH**

**PERTAINS TO WAVE 1 BELLWETHER**

**San Francisco Unified School District**

**v.**

**JUUL Labs, Inc., et al**

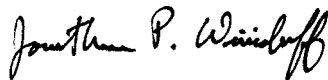
**No. 3:19-cv-08177**

**HIGHLY CONFIDENTIAL**

**In re: Juul Labs, Inc. Marketing, Sales  
Practices & Products Liability Litigation**

**MDL No. 3:19-md-02913-WHO (N.D. CA)**

**January 28, 2022**



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**Jonathan P. Winickoff, MD, MPH**

attraction of JUUL products to young people, including their concealability or “covert element.” (Coates September 8, 2021 pg. 45).

JUUL products are popular in SFUSD partly because of Defendants’ marketing. As an example, for an eight-week period that began near the end of 2018, JUUL ran 5,585 advertisement spots on multiple radio stations in San Francisco. JL145217788. ALTRIA after investing almost 13 billion in JUUL helped put JUUL products on top shelf, “coveted shelf space in approximately 40,000 stores, including at least 1,973 stores in California, and 21 in San Francisco itself.” Plaintiff San Francisco Unified School District’s Supplemental Responses and Objections to Defendant Altria Group, Inc.’s First Set of Interrogatories, No. 5.

To address the use of e-cigarettes by its students, SFUSD was faced with the challenge of developing educational materials for its administration and staff and for its students. Contrary to having to develop curriculum for vaping in-house, curriculum for tobacco education prior to the rise of vapor products was available for ready use. (Pak Oct. 7, 2021 Deposition pg. 100-01). In the context of professional development, i.e., training teachers and staff, SFUSD Program Director Erica Lingrell testified that “vaping has been a huge problem, so we’ve been focusing our professional development on that.” (Lingrell August 19, 2021 Deposition pg. 367). See also SFUSD\_106217 (professional development concerning vaping risks); SFUSD\_115020 (vaping education materials invoice); SFUSD\_115021 (same); SFUSD\_115022 (same);